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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,025	06/07/2001	Robert Christiaan Makkus	BO-41866	9700
466	7590	10/21/2003	EXAMINER	
YOUNG & THOMPSON			BARR, MICHAEL E	
745 SOUTH 23RD STREET 2ND FLOOR			ART UNIT	
ARLINGTON, VA 22202			PAPER NUMBER	

1762

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,025

Applicant(s)

MAKKUS ET AL.

Examiner

Michael Barr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-14 and 19-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-14 and 19-29 is/are allowed.
- 6) ☒ Claim(s) 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The examiner acknowledges that Fig. 3 has been deleted.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman.

Coleman teaches coating a stainless steel substrate with a titanium oxide barrier layer, and then applying a nickel layer to the titanium oxide layer (Fig. 2C; Col. 5, lines 34-45). Coleman does not specifically teach that the stainless steel is non-oxidized. However, one of ordinary skill in the art would have recognized that stainless steel is generally considered as oxidation resistant and does not readily oxidize. Since Coleman does not indicate a desire to oxidize the stainless steel, one of ordinary skill in the art practicing Coleman would have found it obvious to use non-oxidized stainless steel with the expectation of providing the desired results, as stainless steel is typically not in oxidized form. Coleman does not teach that the coating is electrically conductive and corrosion-resistant. However, since Coleman teaches the same materials and process as claimed, then it would have been expected that the coating applied would also inherently have the claimed properties. If this is not the case, then it must be due to

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critical limitations not being claimed. Coleman does not specifically teach that the diffusion barrier layer is applied to the anode side of the support plate. However, this is merely indicative of the intended use of the coated product and does not hold weight in the recited claims.

Allowable Subject Matter

4. Claims 10-14 and 19-29 are allowed.
5. The following is an examiner's statement of reasons for allowance: none of the prior art cited or reviewed by the examiner teaches or fairly suggests the claimed method for coating the non-oxidized stainless steel support plate, wherein the coated plate is introduced or contacted with a carbonate material environment.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

6. Applicant's arguments and amendments, filed 9/12/2003, have been fully considered and reviewed by the examiner. In light of the amendment, the objection to the specification and the rejections to the claims made in the previous office action have been withdrawn by the examiner. The examiner acknowledges the addition of Claims 19-30. Claims 10-14 and 19-30 are pending.

The applicant has argued against the Coleman reference indicating that it does not teach or suggest that the coated article is subjected to a carbonate material environment. This is not

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persuasive as the claim to which Coleman is now applied (Claim 30) does not require exposure to a carbonate material environment.

The applicant argues that it is not obvious or suggested to use a non-oxidized stainless steel in Coleman. The examiner is not persuaded by the applicant's argument. As indicted above, Coleman does not specifically teach that the stainless steel is non-oxidized. However, one of ordinary skill in the art would have recognized that stainless steel is generally considered as oxidation resistant and does not readily oxidize, as evidenced by the teaching of Condon, which shows that stainless steel is substantially resistant to oxidation (Col. 8, lines 7-10). The oxidation resistance of stainless steel is common knowledge to those skilled in the art, as shown by Condon. Since Coleman does not indicate a desire to oxidize the stainless steel, one of ordinary skill in the art practicing Coleman would have found it obvious to use non-oxidized stainless steel with the expectation of providing the desired results, as stainless steel is typically not in oxidized form.

The remainder of the applicant's arguments are moot in light of the withdrawal of the previous rejections.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Barr whose telephone number is 703-305-7919. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on 703-308-2333. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Michael Barr
Primary Examiner
Art Unit 1762



MB
October 14, 2003